

APPROVED: Meeting No. 36-82

ATTEST:

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 33-82

August 23, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, August 23, 1982, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman John Tyner, II

Councilwoman Viola Hovsepian

ABSENT

Councilman Douglas Duncan  
(on travel leave)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; City Clerk Helen Heneghan; Assistant City Manager Daniel Hobbs; Director of Recreation and Parks Ron Olson, Director of Public Works Robert Goodin, Director of License and Inspection Paul Radauskas, Director of Planning James M. Davis, Acting Director Community Development Edward Duffy.

Re: City Manager's Report

Mr. Blick reported the following:

1. A letter has been sent to all Civic Associations and Board Chairmen to invite them to the briefing on the Mall Reorganization Plan at 8:00 p.m., August 31, 1982, here in the Council Chamber.
2. The State's Department of Transportation will conduct a briefing in the County Council Hearing Room on September 23, 1982.
3. No word yet has been received from the State Board of Public Works on the Maryvale School situation. In the meantime, the County is preparing papers to transfer ownership of the school to the City.
4. The State has said "no" to a citizen's request for a traffic signal at the intersection of Falls Road and Dunster.

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Re: Report by the Mayor  
on action taken at  
August 19 meeting re-  
garding resolution  
on nuclear disarmament

Mayor Freeland briefed everyone on the Mayor and Council Meeting held Thursday evening. The Mayor and Council had instructed the staff to investigate the possibility of adding the nuclear disarmament resolution to the Montgomery County ballot for November 2nd. It was found that the deadline had passed for material being placed on the ballot. The staff offered several alternatives to the Council. The Council chose the alternative of a referendum, mailing the ballot to all those persons who live within the City limits and are registered to vote in the State and National elections. It will take about six weeks to accomplish the mailing and balloting, and the cost will be approximately \$8,000.00. Councilwoman Hovsepian commented that she voted for the referendum even though she had been prepared to vote in favor of the resolution itself. Her feeling is that the balloting may do well to make people more aware. Councilman Tyner asked where the money will come from in the budget. The City Manager said it would be reallocated from the Mayor and Council's Contingency Fund.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the City Manager was authorized to spend \$7,726.00 for the survey.

Re: Playground Participant  
Presentation

Ron Olson, Director of Recreation and Parks introduced the playground participants from North Farm Park who presented a quilt to the Mayor and Council. The quilt was made by all the playgrounds in the City, each contributing their square. Mayor Freeland asked that the quilt be hung in the atrium in City Hall, until such time as the mural is in place. The Council agreed to this.

Re: Citizen's Forum

Mayor Freeland opened the meeting to those citizens who wish to address the Mayor and Council.

1. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein referred to the minutes of July 19th, in which he offered a charter amendment to the Mayor

and Council. At that time it was endorsed by Councilman Abrams. As yet, Mr. Silberstein has heard nothing about it, and he asked its status. Mr. Silberstein addressed the question of the referendum and noted that Councilman Abrams had said, at a previous meeting, that if the resolution could not go on the ballot, he would vote for it, but he did not vote for the referendum. He questioned whether Councilman Abrams said he would not run for public office, but he is running, and he also questioned Councilman Abrams' statement concerning his reticence to participate when he is elected to do so. Mr. Silberstein stated it is difficult to pursue an office while serving in an elected office, and he asked that the Mayor and Council take speedy action on this charter amendment. He presented a cartoon to the Council.

Mayor Freeland told Mr. Silberstein that the charter amendment suggested by him is being reviewed with other charter revisions and will be discussed at that time.

2. Linda Canfield, 193 Hardy Place. Mrs. Canfield lives behind the Wintergreen Shopping Plaza, and she asks the Council's help in securing a noise barrier since the noise is a constant problem to those residents in the area, and poor planning has caused it. She said her repeated questions have received the answer that there will be nothing done until Ritchie Parkway is in place, but there is no definite date for that. She also brought to the Council's attention the dangerous curve that exists on West Edmondston at Hardy Place. The Mayor asked that the City Manager have the Traffic Commission look into the street problem, and he asked that a letter be drafted to Mr. Baier outlining the noise problem that exists there.

Re: Award of Contract: Bid  
No. 7-83, Traffic Signal  
Modification at Jefferson  
Street and Maryland Avenue

This project includes traffic signal work necessary for the completion of the Courthouse Square gateway, including relocation of signal poles and underground signal conduit. Also included will be a new signal controller (supplied by the State Highway Administration) that will allow "permissive" left turns from Jefferson Street onto both Courthouse Square and Maryland Avenue. All other intersection components will be repaired and/or repainted as necessary. This work is 100% reimbursable by the State Highway Administration, but it has been necessary for the City to "front" the project in order to expedite its completion.

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City payments to the contractor will come out of Courthouse Square construction funds.

Four bids were received as follows:

Century Traffic Services, Rockville, MD.	\$10,055.00
Hawkins Electric Company, College Park, MD.	12,341.25
Thompson Co., Churchville, MD.	15,160.00
Simpson Electric Co., Annapolis, MD.	16,294.00
Engineer's Estimate	10,564.00

Century Traffic Services has wide experience in traffic control work, and earlier this year completed a similar reimbursable project for the City at Jefferson and Monroe Streets. Because of a misunderstanding, Century failed to supply a bid bond with their bid. Upon notification, Century supplied a certified check for the bond amount within 24 hours following the bid opening.

The staff recommends that the Mayor and Council regard this discrepancy as minor and award Bid No. 7-83 to Century Traffic Services for \$10,055.00. The City Attorney was consulted on this matter and agrees that this discrepancy may be considered minor and the Mayor and Council may waive this discrepancy and award the bid to Century Traffic Services. Following Mayor and Council approval, the project should be completed within one month.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Mayor and Council waived the discrepancy concerning the bid bond and awarded Bid No. 7-83 to Century Traffic Services for \$10,055.00.

Re: Introduction of Ordinance:  
To amend Chapter 14 of the  
Laws of Rockville entitled  
"Building Code" in order  
to adopt the 1981 BOCA  
Basic Building Code

On the motion of Councilwoman Hovsepian, there was introduced upon the table an ordinance to amend Chapter 14 of the Laws of Rockville entitled "Building Code" in order to adopt the 1981 BOCA Basic Building Code.

Re: Introduction of Ordinance:  
To amend Chapter 14A of the  
Laws of Rockville entitled  
"Plumbing Code" in order  
to adopt the 1981 BOCA  
Basic Plumbing Code

On the motion of Councilman Tyner, there was introduced upon the table an ordinance to amend Chapter 14A of the Laws of Rockville entitled "Plumbing Code"

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in order to adopt the 1981 BOCA Basic Plumbing Code.

Re: Introduction of Ordinance:  
To amend Chapter 14B of the  
Laws of Rockville entitled  
"Electrical Code" in order  
to adopt the 1981 National  
Electric Code.

On the motion of Councilman Abrams, there was introduced upon the table  
an ordinance to amend Chapter 14B of the Laws of Rockville entitled "Electrical  
Code" in order to adopt the 1981 National Electric Code.

Re: Introduction of Ordinance:  
To amend Chapter 14F of the  
Laws of Rockville entitled  
"Mechanical Code" in order  
to adopt the 1981 BOCA  
Basic Mechanical Code

On motion of Councilman Tyner, there was introduced upon the table  
an ordinance to amend Chapter 14F of the Laws of Rockville entitled "Mechanical  
Code" in order to adopt the 1981 BOCA Basic Mechanical Code.

Re: Introduction of Ordinance:  
To amend Chapter 14G of the  
Laws of Rockville entitled  
"Energy Conservation Code"  
in order to adopt the 1981  
BOCA Basic Energy Conserva-  
tion Code

On motion of Councilman Abrams, there was introduced upon the table  
an ordinance to amend Chapter 14G of the Laws of Rockville entitled "Energy Con-  
servation Code" in order to adopt the 1981 BOCA Basic Energy Conservation Code.

Re: Introduction of Ordinance:  
To adopt a new Chapter 14H  
of the Laws of Rockville  
entitled "One and Two Family  
Dwelling Code"

On the motion of Councilman Tyner, there was introduced on the table  
an ordinance to adopt a new Chapter 14H of the Laws of Rockville entitled "One  
and Two Family Dwelling Code".

Re: Requested Road Code Waiver  
New Mark Commons

Mr. Charles Burgdorf, CEBCO. Inc., requests a waiver of Road Code requirements  
so as to delete a sidewalk along one side only of the proposed street (Tegner Way)  
in the final section of New Mark Commons. Plans for this thirteen-townhouse addi-  
tion have always indicated sidewalks along only one side of the street. However,

the Mayor and Council did not expressly authorize deletion of the sidewalk during its approval of the exploratory application. Section 7-1.13c of the Road Code provides that the City Manager may approve a written request for waiver of requirements for sidewalks, right-of-way, and paving widths, grade percentages, drainage structures, and curbs and gutters. Such approval shall be subject to final approval by resolution of the Mayor and Council.

Councilman Tyner asked if there is any comment from the New Mark Commons Homeowners' Association. Mayor Freeland said there is no recorded opposition, no one here tonight to oppose this, so there must be no problem with it since the Association is aware of the waiver and was briefed by the Director of Planning.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Mayor and Council approved the waiver.

Re: Adoption of Ordinance:  
To propose public improvements and set hearing date for reconstruction of South Stonestreet Avenue - from Baltimore Road to Veirs Mill Road ramp at Reading Avenue

Ordinance No. 20-82

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Ordinance No. 20-82, the full text of which can be found in OrdinanceBook No. 10 of the Mayor and Council, proposing the public improvements and setting November 8th for the hearing date for reconstruction of South Stonestreet Avenue, was approved by the Mayor and Council.

Re: Adoption of Ordinance:  
To authorize the City Manager to designate city employees and others as parking enforcement officers

Ordinance No. 21-82

Councilman Tyner asked if there would be additional employees hired for this. The City Manager said present employees would be used. As an illustration, the Security Guards in the Montgomery County Garage are used for parking enforcement. Mayor Freeland asked that the City Manager be conscious of the geographical constraints and allow these officers only to function in a certain area. The City Manager said that would be done, and also the officers would only be empowered for a certain time. Mayor Freeland asked that the Mayor and Council review

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the administrative program once it is in place before it is put into operation since it will be the Mayor and Council who have to answer for it.

On motion of Councilman Abrams, duly seconded and passed by a unanimous vote of all present, Ordinance No. 21-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, authorizing the designation of parking enforcement officers, was adopted by the Mayor and Council.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Letter from Mary Dollymore re problem at parking garage
2. Letter from Michael Sweet re speeding problem on Seth Place
3. Letter from Neal Potter re Ride-On bus service in Lincoln Park/ Maryvale Neighborhoods
4. Letter from Debora Walker and Hilary Harris re bussing problem with Board of Education

Mayor Freeland said he would appreciate the Council's support on this request to the Board of Education for buses. He asked the City Manager to get more information from the Board of Education, and then send a strong letter in support of the citizens to the Board.

5. Letter of regret from Mrs. Reagan re her attendance at Grandparents Day
6. Letter from Eleanor Zappone re Rockville Advisory Commission on Public Education
7. Amendments to Heritage Park Cooperative's By-Laws

Councilwoman Hovsepian asked whether action is needed. The City Manager said it will be. This item will be placed on the Mayor and Council's agenda after staff review and recommendations.

Re: Information Items

1. Memo from Public Works Dept. re Hungerford Park School Closing - Traffic Controls
2. Letter to College Gardens Civic Association re Gude Drive planting plan
3. Memo from Public Works re Linthicum/Gruenther Intersection
4. Letter from MD DOT re widening and resurfacing of MD Rte. 28 from I-270 to Research Boulevard
5. Letter to city employees from supervisor re exemplary attendance
6. Memo from Public Works Dept. re steam generation from garbage/rubbish waste
7. Memo re ACSC activities for July, 1982
8. Memo from Public Works Dept. re maintenance of properties along Gude Drive

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9. Annual report on Financial Trends in Rockville, 1975 - 1981

Mayor Freeland said this is a fine document and should be made available to the public.

10. Memo from Public Works Dept. re crossing guard at Dawson/N. Washington Street

Councilman Tyner suggested that the Mayor and Council approve the staff's recommendation in hiring a crossing guard for \$2,040.00. Mayor Freeland agreed and asked that Heritage House be kept informed.

11. Activity report from Director of Finance

Councilman Tyner noted that the financial report contains an additional item for charter review

12. Letter from Planning Commission to citizen re Falls Road interchange

13. Letter from WMATA re open house at B&O Station in Rockville

14. Memo from Director of Finance re IDB Legislation

15. Memo from Public Works Dept. re Atlantic Avenue crosswalk at Denfield

16. Memo from Planning Director re proposed Ride-On routes (map attached).

17. Memo from Planning Director re proposed amendments to unified work program for Transportation Planning

Councilman Tyner asked that a letter of support be sent. The Mayor agreed.

18. Memo from Public Works Dept. re unpaved segment of Highland Ave. east of Grandin

Councilman Abrams asked if there was a reason to use general funds instead of making this a special assessment. The City Manager said he saw none. Mayor Freeland asked that the staff investigate why this street wasn't covered before and what is the surface. He thought it was possibly missed when asphalt was used to cover all the surfaces in Rockville some time ago. He asked the City Manager to look into that, and if it were not omitted, he has no future concerns.

19. Progress report on Brent Road paving

20. Board of License Commissioners Hearing Notice (Sept. 1)

Re: New Business

1. Councilman Abrams noted that Mr. Philip Ratner will be interviewed at 7:30, Thursday morning on the Today Show for his opening of the permanent exhibit at the Statue of Liberty grounds.

2. The City Manager presented to the Council a draft press release on nuclear disarmament for Mayor and Council review. The Mayor and Council had no changes.

3. Mayor Freeland asked what is being done on the Friends of F. Scott Fitzgerald's Arts Group. The City Manager said that will be sent to the Council



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in its next Brief Book. Mayor Freeland noted that an excellent meeting was held by a group of representatives of the C & P Telephone Company, and he would like to see that started with other groups.

4. Councilman Tyner said he is finishing up on his work with the Rockville Housing Authority study, and it will come before the Council soon.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting of No. 30-82 were approved as written.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the meeting was closed for Executive Session to discuss property acquisition and litigation.

Re: Adjournment

There being no further business to come before the Council in Executive Session, the meeting was adjourned at 10:30 p.m. to convene again in general session on Monday, August 30, 1982, at 8:00 p.m. or at the call of the Mayor.